

MEMORANDUM FOR:

FROM:

SUBJECT: NOTICE OF DECISION TO FURLOUGH

In the absence of either a current appropriations Act, or an extension of the current continuing resolution for the Department of Defense (DoD), no further obligations may be incurred by the DoD, except those related to “exempt” functions as authorized by the Deputy Secretary of Defense. These exempt functions include positions associated with:

- Activities that are specifically authorized by law, such as the “Feed and Forage Act”;
- Activities required for national security, including the safety of human life or the protection of property; and
- Activities necessary to phase down or suspend activities that do not fall within one of the above categories.

Because your services are not necessary for orderly suspension of operations and because you are not engaged in one of the other exempt functions, you are being placed in a furlough status effective April 9, 2011. The duration of the furlough is not known at this time; therefore, it is your responsibility to listen to public broadcasts and to keep abreast of the latest news regarding the budgetary status of the United States Government. When you hear that a continuing resolution or a fiscal year (FY) 2011 appropriation for the DoD has been approved, you will report to work or request leave in accordance with leave procedures. If the notification occurs during duty hours, you will be expected to immediately report to duty. If the notification occurs during non- duty hours, you will be expected to report to work on your next regular duty day.

This action is being taken because of a sudden emergency requiring immediate curtailment of DoD activities; therefore, no advance notification is possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2) and under 5 CFR 359.806(a) for SES career appointees.

If employees are being retained in your competitive level, it is because they are performing one of the exempt functions noted above.

This memorandum also constitutes a general notice that in the event this furlough is for more than 30 calendar days or 22 workdays, rights to positions required for orderly suspension of government operations or for exempted activities will be determined by the appropriate reduction in force procedures (RIF) procedures. If a RIF furlough is necessary, you will receive specific notification of any assignment rights you may have via the mail. For this reason, it is critically important that you assure your organization’s administrative function has a phone number and a current and complete mailing address where you can be reached.

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During the furlough period, you will be in a nonpay, nonduty status, and must remain away from your work place unless and until recalled. During the furlough you will not be permitted to serve as an unpaid volunteer with the Federal government. Any paid leave (annual, sick, etc.) previously approved for use during the furlough period is cancelled.

Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment and career employees in the Senior Executive Service may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service in schedules A and B who have veteran's preference may appeal to the MSPB if they have completed one year of current continuous service in the same or similar position as the one they now occupy. Employees in the excepted service who do not have veteran's preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less. Employees in the excepted service on Schedule C appointments and employees in the excepted service serving in a trial period pending conversion to the competitive service do not have appeal rights to the MSPB. Nor do employees serving on temporary appointments or non-career, limited-term and limited emergency employees in the Senior Executive Service.

Employees with appeal rights to MSPB have a right to representation in this manner and may be represented by an attorney or other person of their choosing.

If you have the right to appeal to MSPB and wish to appeal this action to the MSPB, you must file an appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, notify your local Civilian Personnel Servicing (insert contact and telephone number) organization for the appropriate procedures and documentation.

Employees who are members of bargaining units may grieve this action in accordance with the applicable negotiated agreement (provide citation to negotiated agreement) or appeal to the MSPB in accordance with the procedures outlined above, but not both. To obtain information on filing a grievance under the negotiated grievance procedure, contact (name of exclusive union representative).

I acknowledge receipt of the notice.

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Employee's Name

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Date